

## **AMENDMENTS TO THE DRAWINGS**

The attached replacement sheet of drawings includes changes to Figure 1. This sheet, which includes Figures 1-2, replaces the original sheet including Figures 1-2. Figure 1 was changed to depict the “second sleeve” element, identified by reference number ‘5a,’ and the structure of the vibration damping device pertinent for showing the location of the second sleeve 5a.

Attachments: Replacement Sheet and Annotated Sheet showing changes

## REMARKS

### 1. Summary of the Office Action

In the Office Action mailed June 23, 2006, the Examiner rejected claims 1-3 and 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, rejected claims 4, 7, and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,188,146 (Stecklein), rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Stecklein and U.S. Patent No. 4,652,167 (Garman), and rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Stecklein and U.S. Patent No. 4,335,873 (Kiefer).

Further, the Examiner objected to claim 6 as being dependent upon a rejected base claim, but indicated the claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and objected to claims 1 and 4 for claim informalities. The Examiner objected to the drawings for not showing every feature of the invention specified in the claims. In particular, the Examiner indicated that the “second sleeve” recited in claim 4 must be shown in the drawings or the feature cancelled from the claim(s).

Further still, the Examiner indicated Applicant has not filed a certified copy of the foreign application as required under 35 U.S.C. § 119(b), and the Examiner made a statement regarding proper content of an abstract of the disclosure.

### 2. Amendments and Pending Claims

Applicant has amended claims 1, 4-5, and 9. Presently pending in this application are claims 1-9. Claims 1, 4, and 9 are independent.

Support for the amendment to claim 1 is located in the specification at page 2, lines 9-16. Support for the amendment to claims 4 and 9 is located in the specification at page 2, lines 3-16. Support for the amendment to claim 5 is located in the specification at page 6, lines 11-13, and Figures 1-2.

Applicant has amended the specification by replacing the paragraph starting at page 5, line 4, with an amended paragraph. This amendment to this paragraph includes adding the reference number “5a” and deleting the text “the second sleeve is not shown,” since Figure 1 has been amended to show the second sleeve and reference number 5a. Applicant has amended the specification by replacing the paragraph starting at page 6, line 5, to correct a typographical error.

### **3. Previous Office Action**

In the Office Action response submitted on March 23, 2006, a typographical error is recited in claim 1, even though claim 1 was not listed as being amended. In particular, in the previous Office Action response, claim 1, line 9, recites “passeway” instead of “passageway” as recited in claim 1, line 14, of the originally filed list of claims. In this instant response, Applicant has amended claim 1, line 11 to recite “passageway” instead of “passeway,” since the Examiner entered the amendments submitted by Applicant on March 23, 2006.

### **4. Payment of Fees**

A fee of \$1,020.00 is required for a three-month extension of time. A check is enclosed to pay this fee. Please charge any additional fee(s) required under 37 C.F.R. §§ 1.16-1.21 or credit any overpayment of such fee(s) to Deposit Account No. 132490.

## **5. Priority**

The Examiner indicated that Applicant has not filed, as required under 35 U.S.C. § 119(b), a certified copy of the foreign application to which Applicant claims priority. Applicant submits herewith a certified copy of France Patent Application No. 0303176, filed March 14, 2003.

## **6. Drawings**

The Examiner objected to the drawings because the “second sleeve” recited in claim 4 is not shown in the originally filed drawings. Applicant submits herewith a replacement drawing sheet showing Figures 1-2, and an annotated drawing sheet showing Figures 1-2 and the changes made to Figure 1. In particular, Figure 1 was changed to depict the “second sleeve” element, identified by reference number ‘5a,’ and the structure of the vibration damping device pertinent for showing the location of the second sleeve 5a. Support for the change to Figure 1 is located in the specification at page 1, lines 8-19, and page 5, line 8 to page 6, line 4. Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

## **7. Abstract**

The Examiner provided Applicant with a reminder regarding proper content of an abstract of the disclosure. Applicant has provided a new abstract to replace the previously amended abstract. Applicant submits the new abstract meets the requirements for an abstract of the disclosure.

## **8. Response to Claim Objections**

The Examiner objected to informalities recited in claims 1 and 4. In particular, the Examiner indicated in claim 1, line 3, and in claim 4, line 3, the word “said” should be added before the word “link,” and in claim 4, line 11, the word “means” should be deleted. Applicant

has amended claim 1, line 3, by deleting the words “in which link,” amended claim 4, line 4, by adding the word “said” before the word “link,” and amended claim 4, line by deleting two instances of the words “means of.” Applicant submits these rejections overcome the Examiner’s objections to claims 1 and 4. Applicant respectfully requests that the Examiner withdraw the objection of claims 1 and 4.

The Examiner objected to claim 6 as being dependent upon a rejected base claim, but indicated the claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The allowability of claim 6 is discussed below.

#### **9. Response to Claim Rejections**

The Examiner rejected claims 1-3 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner indicated the preamble of claims 1-3 are drawn to a method, but that no method step is set forth by any of these claims. Applicant has amended claim 1 to recite “positioning” and “engaging” limitations. Claims 2-3 necessarily include these limitations since claims 2-3 depend from claim 1. Applicant submits the amendment to claim 1 overcomes the Examiner’s rejection of claims 1-3 under 35 U.S.C. § 112, second paragraph. Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3 under 35 U.S.C. § 112, second paragraph.

Next, the Examiner rejected claim 5 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner indicated it was not clear whether the term “each of two fixing shanks” were two fixing shanks in addition to the “at least one fixing shank” recited in claim 4 or define the “at least one” as being two. Applicant has amended claim 5 to clarify that the at least one fixing shank is two fixing shanks. Applicant submits the amendment to claim 5

overcomes the rejection of claim 5 under 35 U.S.C. § 112, second paragraph. Applicant respectfully requests that the Examiner withdraw the rejection of claim 5 under 35 U.S.C. § 112, second paragraph.

Next, the Examiner rejected claims 4, 7, and 9 under 35 U.S.C. § 102(b) as being anticipated by Stecklein. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant has amended independent claims 4 and 9. As amended, claims 4 and 9 clearly distinguish over Stecklein because Stecklein fails to disclose or suggest all of the limitations of these claims.

In particular, for instance, Stecklein fails to disclose or suggest: (i) the link and the support are assembled together by *at least one fixing shank* extending along the axis of rotation and *force fitted* in the fixing orifice, as recited in claim 4, and (ii) *at least one fixing shank force fitted* in the fixing orifice and in at least a portion of the passageway of the inner strength member, as recited in claim 9.

At best, Stecklein teaches: (i) a pivot assembly 22 for connecting a loader lift arm 20 to a flange 12, (ii) the pivot assembly 22 includes a hole 28 in the flange 12 in axial alignment with a hole 32 located in the lift arm 20, (iii) a bushing 34 is *press fit* into the hole 32, (iv) right and left pairs of opposed Belleville springs 36 and 38 are respectively positioned in the hole 32 at the right and left ends of the bushing 34, (v) the springs 36 and 38 are in a preselected *compressed state* in which they are respectively held in place by right and left flat washers 40 and 42, which are in turn respectively held in place by a collar 44 and a cap 46 respectively received on and fixed to right and left of a pivot pin 48 received in the bushing, and (vi) the collar 44 is *welded* to the right end of the pin 48 while the cap is *retained* on the left end of the pin 48 by *a cap screw*

50 extending centrally through the cap and *threaded* into the pin. (See, e.g., Stecklein, col. 2, lines 13-40, and Figures 1 and 2). However, these teachings of Stecklein, as well as the rest of Stecklein, does not teach or suggest at least one fixing shank force fitted in a fixing orifice, as recited in claims 4 and 9.

In rejecting claims 4, 7, and 9, the Examiner compared: (i) Stecklein's loader lift arm 20 to Applicant's claimed "link," (ii) Stecklein's flange 12 to Applicant's claimed "support," (iii) Stecklein's bushing 34 to Applicant's claimed "inner strength member," and (iv) a shank of Stecklein's bolt 50 to Applicant's claimed "fixing shank." Assuming for the sake of argument that the loader lift arm 20 teaches the claimed "link," the flange 12 teaches the claimed "support," and the shank of the bolt 50 discloses the claimed "fixing shank," which Applicant does not concede, Applicant submits that Stecklein does not teach or suggest the *at least one fixing shank force fitted* in the fixing orifice, as recited in claims 4 and 9, for at least the reason that Stecklein does not teach the bolt 50 (or the shank of the bolt 50) is force fitted in a fixing orifice. Rather, Stecklein teaches the bolt is threaded into the pin 48. Applicant further submits that assembling components by a threaded bolt does not amount to assembling components by force fitting a fixing shank into a fixing orifice.

Further, Stecklein fails to teach or suggest: (i) a link comprising *a body that is elongated along a longitudinal axis between a first and second sleeve* that are part of the body, as recited in claim 4, and (ii) a link comprising a first sleeve, a second sleeve, *a body elongated along a longitudinal axis, the body interconnecting the first sleeve and the second sleeve*, as recited in claim 9.

As noted above, in rejecting claims 4, 7, and 9, the Examiner compared the loader lift arm 20 disclosed by Stecklein to Applicant's claimed "link." Furthermore, the Examiner

indicated Stecklein discloses the link (20) comprises a body that is elongated along a longitudinal axis between first and second sleeves (E, E' as shown in a highlighted drawing provided with the Office Action) that are part of the body. It is Applicant's understanding that the Examiner added the reference characters E and E' to Figure 2 of Stecklein and that the reference characters E and E' were not shown in the application filed for Stecklein.

The elements identified by the Examiner as E and E' are part of the loader lift arm 20 taught by Stecklein. Applicant submits that the elements E and E' do not teach or suggest the claimed first sleeve and second sleeve for at least the reason that Stecklein does not teach or suggest there is a body that is elongated along a longitudinal axis between elements E and E' or that interconnects elements E and E'. Rather, Stecklein teaches a hole 32 is located in the loader lifter arm 20, and Figure 2 shows the hole 32 is between the elements E and E'.

Applicant submits that claims 4 and 9 are allowable because Stecklein does not teach each and every element of claims 4 and 9 as required, under 35 U.S.C. §102 to anticipate these claims. Further, because claims 5-8 depend on allowable claim 4 and necessarily include all of the limitations of claim 4, claims 5-8 are allowable as well.

## **10. Conclusion**

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-9 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the pending claims.



Respectfully submitted,

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Date: DECEMBER 18, 2006

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